

**§ 28.30 Applicability; preemptive effect.**

(a) Except as provided in paragraph (b) of this section, this part is applicable to all United States flag vessels not inspected under this chapter that are commercial fishing, fish processing, or fish tender vessels. This includes vessels documented under the provisions of subchapter G of this chapter and vessels numbered by a State or the Coast Guard under the provisions of 33 CFR subchapter S. Certain regulations in this part apply only to limited categories of vessels. Specific applicability statements are provided at the beginning of those regulations.

(b) This part does not apply to a small boat or auxiliary craft that is deployed from a fishing industry vessel for the purpose of handling fishing gear.

(c) The regulations in this part have preemptive effect over State or local regulations in the same field.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991; 56 FR 49822, Oct. 1, 1991, as amended by USCG-2004-18884, 69 FR 58344, Sept. 30, 2004; USCG-2004-18884, 69 FR 68089, Nov. 23, 2004; USCG-2006-24797, 77 FR 33872, June 7, 2012]

**§ 28.40 Incorporation by reference.**

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and make the material available to the public. All approved material is on file at the Coast Guard Headquarters. Contact Commandant (CG-ENG), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509 or you may contact the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). All material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are:

|   |                        |
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| American Boat and Yacht Council (ABYC),<br>613 Third Street, Suite 10, Annapolis, MD 21403  |                        |
| E-1-1972—Bonding of Direct Current Systems .....  | 28.345                 |
| E-8-1985—Alternating Current (AC) Electrical Systems on Boats.  | 28.345                 |
| E-9-1981—Recommended Practices and Standards Covering Direct Current (DC) Electrical Systems on Boats.  | 28.345                 |
| H-2-1989—Ventilation of Boats Using Gasoline .....  | 28.340                 |
| H-25-1986—Portable Fuel Systems for Flammable Liquids ..  | 28.335                 |
| H-33-1989—Diesel Fuel Systems .....   | 28.335                 |
| P-1-1986—Installation of Exhaust Systems for Propulsion and Auxiliary Engines.  | 28.380                 |
| American Society for Testing and Materials (ASTM),<br>100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.  |                        |
| ASTM F 1321-92, Standard Guide for Conducting a Stability Test (Lightweight Survey and Inclining Experiment) to Determine the Light Ship Displacement and Centers of Gravity of a Vessel. | 28.535                 |
| International Maritime Organization (IMO),<br>Publications Section, 4 Albert Embankment, London SE1 7SR, United Kingdom:  |                        |
| Resolution A.658(16) “Use and Fitting of Retro-Reflective Materials on Life-Saving Appliances”, dated November 1989.  | 28.135                 |
| National Fire Protection Association (NFPA),<br>1 Batterymarch Park, Quincy, MA 02269:  |                        |
| 70-1990—National Electrical Code (also known as ANSI/NFPA 70-1990).   | 28.350; 28.370; 28.865 |
| 302-1989—Pleasure and Commercial Motor Craft .....  | 28.335; 28.340; 28.345 |
| 17-1985—Dry Chemical Extinguishing Systems .....  | 28.330                 |
| 17A-1986—Wet Chemical Extinguishing Systems .....   | 28.330                 |

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| Society of Automotive Engineers (SAE),<br>400 Commonwealth Drive, Warrendale, PA 15096;<br>SAE J 1475-1984—Hydraulic Hose Fitting for Marine Appli-<br>cations.<br>SAE J 1942-1989—Hose and Hose Assemblies for Marine Ap-<br>plications. | 28.880<br>28.405         |
| Underwriters Laboratories, Inc. (UL),<br>12 Laboratory Drive, Research Triangle Park, NC 27709-3995<br>UL 217-1985—Single and Multiple Station Smoke Detectors<br>UL 710-1990—Exhaust Hoods for Commercial Cooking<br>Equipment.          | 28.325; 28.830<br>28.330 |

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 95-072, 60 FR 50461, Sept. 29, 1995; CGD 94-025, 60 FR 54444, Oct. 24, 1995; CGD 96-041, 61 FR 50726, Sept. 27, 1996; CGD 97-057, 62 FR 51042, Sept. 30, 1997; USCG-1999-5151, 64 FR 67176, Dec. 1, 1999; USCG-2009-0702, 74 FR 49226, Sept. 25, 2009; USCG-2010-0759, 75 FR 60002, Sept. 29, 2010; USCG-2013-0671, 78 FR 60146, Sept. 30, 2013]

### § 28.50 Definition of terms used in this part.

*Accepted organization* means an organization which has been designated by the Commandant for the purpose of examining commercial fishing industry vessels under the provisions of § 28.73.

*Accommodations* include:

- (1) A messroom.
- (2) A lounge.
- (3) A sitting area.
- (4) A recreation room.
- (5) Quarters.
- (6) A toilet space.
- (7) A shower room.
- (8) A galley.
- (9) Berthing facilities.
- (10) A clothing changing room.

*Alcohol concentration* means either grams of alcohol per 100 milliliters of blood, or grams of alcohol per 210 liters of breath.

*Aleutian trade* means the transportation of cargo, including fishery related products, for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees West longitude and east of 172 degrees East longitude if that place receives weekly common carrier service by water, to or from a place in the United States, except a place in Alaska.

*Approved* means approved by the Commandant unless otherwise stated.

*Auxiliary Craft* means a vessel that is carried onboard a commercial fishing vessel and is normally used to support fishing operations.

*Boundary lines* means the lines described in part 7 of this chapter. In general, they follow the trend of the seaward high water shorelines and cross

entrances to small bays, inlets, and rivers. In some areas, they are along the 12-mile line that marks the seaward limits of the territorial sea and, in other areas, they come ashore.

*Buoyant Apparatus* means a buoyant apparatus approved by the Commandant.

*Coast Guard Boarding Officer* means a commissioned, warrant, or petty officer of the Coast Guard having authority to board any vessel under the Act of August 4, 1949, 63 Stat. 502, as amended (14 U.S.C. 89).

*Coast Guard Representative* means a person employed at the cognizant U.S. Coast Guard Sector Office or Marine Inspection Office, or an accepted organization, or a similarly qualified organization approved in examining commercial fishing industry vessels. Contact Commandant (CG-CVC-3); Attn: Fishing Vessels Division, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501 for a current list of accepted organizations or similarly qualified organizations.

*Coastal Service Pack* means equipment provided in liferafts approved by the Commandant for coastal service.

*Coastal waters* means coastal waters as defined in 33 CFR 175.105.

*Coastline* means the territorial sea baseline as defined in 33 CFR 2.20.

*Cold water* means water where the monthly mean low water temperature is normally 59 °F (15 °C) or less.

*Commandant* means the Commandant of the Coast Guard or an authorized representative of the Commandant of the Coast Guard.